

officer to be appointed as the Staff Judge Advocate to the Commandant of the Marine Corps holds a grade lower than the grade of major general immediately before the appointment, the officer shall be appointed in the grade of major general.” for “The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.”

Subsecs. (c), (d). Pub. L. 112-239, § 531(b), added subsec. (c) and redesignated former subsec. (c) as (d).

2008—Subsec. (a). Pub. L. 110-417 substituted “The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.” for “If an officer appointed as the Staff Judge Advocate to the Commandant of the Marine Corps holds a lower regular grade, the officer shall be appointed in the regular grade of brigadier general.”

2004—Subsec. (c). Pub. L. 108-375 added subsec. (c).

1994—Subsec. (a). Pub. L. 103-337, § 504(b)(4)(A), added second sentence and struck out former second sentence which read as follows: “While so serving, a judge advocate who holds a grade lower than brigadier general shall hold the grade of brigadier general if appointed to that grade by the President, by and with the advice and consent of the Senate.”

Subsec. (b). Pub. L. 103-337, § 504(b)(4)(B), added subsec. (b) and struck out former subsec. (b) which read as follows: “An officer retiring from the position of Staff Judge Advocate to the Commandant of the Marine Corps, after serving at least three years in that position, shall be retired in the highest grade in which that officer served on active duty satisfactorily, as determined by the Secretary of the Navy.”

EFFECTIVE DATE

Pub. L. 99-661, div. A, title V, § 509(b), Nov. 14, 1986, 100 Stat. 3868, provided that: “Section 5046 of title 10, United States Code, as added by subsection (a), shall apply only with respect to appointments as Staff Judge Advocate to the Commandant of the Marine Corps made on or after the date of the enactment of this Act [Nov. 14, 1986].”

TRANSITION PROVISION FOR RETIREMENT OF STAFF JUDGE ADVOCATES

Pub. L. 99-661, div. A, title V, § 509(d), Nov. 14, 1986, 100 Stat. 3868, provided that: “Notwithstanding section 1370(a)(2) of title 10, United States Code, an officer serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps, or an equivalent position, on the day before the date of the enactment of this Act [Nov. 14, 1986], if retired after having served in such position (or equivalent position) at least three years, including any service in such position (or its equivalent) before such date, shall be retired in the highest grade in which the officer served on active duty satisfactorily, as determined by the Secretary of the Navy.”

§ 5047. Legislative Assistant to the Commandant

There is in the Marine Corps a Legislative Assistant to the Commandant.

(Added Pub. L. 107-314, div. A, title V, § 504(d)(3)(A), Dec. 2, 2002, 116 Stat. 2532; amended Pub. L. 114-328, div. A, title V, § 502(y), Dec. 23, 2016, 130 Stat. 2104.)

AMENDMENTS

2016—Pub. L. 114-328 struck out second sentence which read as follows: “An officer assigned to that position shall be in a grade above colonel.”

CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY

Sec.
5061. Department of the Navy: composition.
5062. United States Navy: composition; functions.

Sec.
5063. United States Marine Corps: composition; functions.

AMENDMENTS

1986—Pub. L. 99-433, title V, § 511(b)(1), Oct. 1, 1986, 100 Stat. 1042, inserted heading for new chapter 507 relating to composition of the Department of the Navy, and items 5061 to 5063. The heading for former chapter 507, relating to Office of the Comptroller of the Navy, and former items 5061 to 5064 were struck out as part of the repeal of former chapter 507 by Pub. L. 99-433, title V, § 511(a), Oct. 1, 1986, 100 Stat. 1042.

§ 5061. Department of the Navy: composition

The Department of the Navy is composed of the following:

- (1) The Office of the Secretary of the Navy.
- (2) The Office of the Chief of Naval Operations.
- (3) The Headquarters, Marine Corps.
- (4) The entire operating forces, including naval aviation, of the Navy and of the Marine Corps, and the reserve components of those operating forces.
- (5) All field activities, headquarters, forces, bases, installations, activities, and functions under the control or supervision of the Secretary of the Navy.
- (6) The Coast Guard when it is operating as a service in the Navy.

(Added Pub. L. 99-433, title V, § 511(b)(1), Oct. 1, 1986, 100 Stat. 1043.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 5011 of this title prior to enactment of Pub. L. 99-433.

A prior section 5061, act Aug. 10, 1956, ch. 1041, 70A Stat. 280, related to appointment and functions of Comptroller of the Navy, prior to repeal by Pub. L. 99-433, § 511(a).

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 5062. United States Navy: composition; functions

(a) The Navy, within the Department of the Navy, includes, in general, naval combat and service forces and such aviation as may be organic therein. The Navy shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations at sea. It is responsible for the preparation of naval forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war.

(b) The naval combat forces of the Navy shall include not less than 11 operational aircraft carriers. For purposes of this subsection, an operational aircraft carrier includes an aircraft carrier that is temporarily unavailable for world-

wide deployment due to routine or scheduled maintenance or repair.

(c) All naval aviation shall be integrated with the naval service as part thereof within the Department of the Navy. Naval aviation consists of combat and service and training forces, and includes land-based naval aviation, air transport essential for naval operations, all air weapons and air techniques involved in the operations and activities of the Navy, and the entire remainder of the aeronautical organization of the Navy, together with the personnel necessary therefor.

(d) The Navy shall develop aircraft, weapons, tactics, technique, organization, and equipment of naval combat and service elements. Matters of joint concern as to these functions shall be coordinated between the Army, the Air Force, and the Navy.

(e) The Secretary of the Navy shall ensure that—

(1) the Navy maintains a minimum of 9 carrier air wings until the earlier of—

(A) the date on which additional operationally deployable aircraft carriers can fully support a 10th carrier air wing; or

(B) October 1, 2025;

(2) after the earlier of the two dates referred to in subparagraphs (A) and (B) of paragraph (1), the Navy maintains a minimum of 10 carrier air wings; and

(3) for each such carrier air wing, the Navy maintains a dedicated and fully staffed headquarters.

(Aug. 10, 1956, ch. 1041, 70A Stat. 277, § 5012; renumbered § 5062 and amended Pub. L. 99-433, title V, § 511(b)(3), (4), Oct. 1, 1986, 100 Stat. 1043; Pub. L. 109-163, div. A, title I, § 126(a), Jan. 6, 2006, 119 Stat. 3159; Pub. L. 109-364, div. A, title X, § 1011(a), Oct. 17, 2006, 120 Stat. 2374; Pub. L. 114-328, div. A, title X, § 1042(a), Dec. 23, 2016, 130 Stat. 2393.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5012	5 U.S.C. 411a(b).	July 26, 1947, ch. 343, § 206(b), 61 Stat. 501.

PRIOR PROVISIONS

A prior section 5062, act Aug. 10, 1956, ch. 1041, 70A Stat. 281, prescribed the pay and allowances of the Deputy Comptroller, prior to repeal by Pub. L. 87-649, § 14c(11), Sept. 7, 1962, 76 Stat. 501, eff. Nov. 1, 1962.

AMENDMENTS

2016—Subsec. (e). Pub. L. 114-328 added subsec. (e).

2006—Subsec. (b). Pub. L. 109-364 substituted “11” for “12”.

Pub. L. 109-163, § 126(a)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsecs. (c), (d). Pub. L. 109-163, § 126(a)(1), redesignated subsecs. (b) and (c) as (c) and (d), respectively.

1986—Pub. L. 99-433, § 511(b)(3), renumbered section 5012 of this title as this section.

Subsec. (a). Pub. L. 99-433, § 511(b)(4)(A), substituted “assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war” for “assigned and is generally responsible for naval reconnaissance, antisubmarine warfare, and protection of shipping”.

Subsec. (d). Pub. L. 99-433, § 511(b)(4)(B), struck out subsec. (d) which related to responsibility for expansion of peacetime naval components to meet the needs of war.

NUMBER OF NAVY CARRIER AIR WINGS AND CARRIER AIR WING HEADQUARTERS

Pub. L. 112-81, div. A, title X, § 1093, Dec. 31, 2011, 125 Stat. 1606, required the Secretary of the Navy to ensure that the Navy maintain a minimum of 10 carrier air wings and a dedicated and fully staffed headquarters for each, prior to repeal by Pub. L. 114-328, div. A, title X, § 1042(b), Dec. 23, 2016, 130 Stat. 2393. See subsec. (e) of this section.

§ 5063. United States Marine Corps: composition; functions

(a) The Marine Corps, within the Department of the Navy, shall be so organized as to include not less than three combat divisions and three air wings, and such other land combat, aviation, and other services as may be organic therein. The Marine Corps shall be organized, trained, and equipped to provide fleet marine forces of combined arms, together with supporting air components, for service with the fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may be essential to the prosecution of a naval campaign. In addition, the Marine Corps shall provide detachments and organizations for service on armed vessels of the Navy, shall provide security detachments for the protection of naval property at naval stations and bases, and shall perform such other duties as the President may direct. However, these additional duties may not detract from or interfere with the operations for which the Marine Corps is primarily organized.

(b) The Marine Corps shall develop, in coordination with the Army and the Air Force, those phases of amphibious operations that pertain to the tactics, technique, and equipment used by landing forces.

(c) The Marine Corps is responsible, in accordance with integrated joint mobilization plans, for the expansion of peacetime components of the Marine Corps to meet the needs of war.

(Aug. 10, 1956, ch. 1041, 70A Stat. 278, § 5013; renumbered § 5063, Pub. L. 99-433, title V, § 511(b)(3), Oct. 1, 1986, 100 Stat. 1043.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5013	5 U.S.C. 411a(c) (less last 32 words of 1st sentence).	July 26, 1947, ch. 343, § 206(c) (less last 32 words of 1st sentence), 61 Stat. 502; as amended June 28, 1952, ch. 479, § 1, 66 Stat. 282.

PRIOR PROVISIONS

A prior section 5063, act Aug. 10, 1956, ch. 1041, 70A Stat. 281, related to establishment and duties of Office of Budget and Reports, prior to repeal by Pub. L. 99-433, § 511(a).

A prior section 5064, acts Aug. 10, 1956, ch. 1041, 70A Stat. 281; Sept. 7, 1962, Pub. L. 87-649, § 14(c)(12), (13), 76 Stat. 501; Dec. 12, 1980, Pub. L. 96-513, title III, § 341, title V, § 503(3), 94 Stat. 2901, 2911, related to Director and Assistant of Office of Budget and Reports, prior to repeal by Pub. L. 99-433, § 511(a).